

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 BILLY WAYNE PERKINS,

10 Petitioner,

11 vs.

12 ROBERT LEGRAND, et al.,

13 Respondents.
14

Case No. 2:14-cv-00434-JAD-PAL

ORDER

15 Petitioner has submitted an application to proceed *in forma pauperis* (Doc. 1), a petition for
16 a writ of habeas corpus pursuant to 28 U.S.C. § 2254, a motion for leave to file a longer than normal
17 petition (Doc. 2), and a motion for appointment of counsel (Doc. Petitioner is unable to afford
18 counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C.
19 § 3006A(a)(2)(B).

20 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (Doc. 1)
21 **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

22 **IT IS FURTHER ORDERED** that the motion to file a longer than normal petition (Doc. 2)
23 **GRANTED**.

24 **IT IS FURTHER ORDERED** that the clerk of the court shall file the petition for a writ of
25 habeas corpus pursuant to 28 U.S.C. § 2254.

26 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (Doc. 3)
27 is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.
28

1 **IT IS FURTHER ORDERED** that the Federal Public Defender shall have thirty (30) days
2 from the date that this order is entered to undertake direct representation of petitioner or to indicate
3 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
4 does undertake representation of petitioner, he shall then have 60 days to file an amended petition
5 for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner, the
6 court will appoint alternate counsel.

7 **IT IS FURTHER ORDERED** that neither the foregoing deadline nor any extension thereof
8 signifies or will signify any implied finding of a basis for tolling during the time period established.
9 Petitioner at all times remains responsible for calculating the running of the federal limitation
10 period and timely asserting claims.

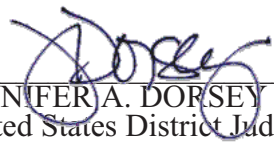
11 **IT IS FURTHER ORDERED** that the clerk shall add Catherine Cortez Masto, Attorney
12 General for the State of Nevada, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that the clerk shall electronically serve both the Attorney
14 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
15 this order.

16 **IT IS FURTHER ORDERED** that respondents' counsel shall enter a notice of appearance
17 within 20 days of entry of this order, but no further response shall be required from respondents
18 until further order of the court.

19 **IT IS FURTHER ORDERED** that any exhibits filed by the parties shall be filed with a
20 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
21 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
22 in the attachment. The hard copy of any additional state court record exhibits shall be
23 forwarded—for this case—to the staff attorneys in Las Vegas.

24 Dated: August 26, 2014.

25
26
27 
28 JENNIFER A. DORSEY
United States District Judge